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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,471	04/12/2001	Paul J. Rankin	PHGB 000048	2814

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EXAMINER

PATEL, ASHOKKUMAR B

ART UNIT PAPER NUMBER

2154

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/833,471

Applicant(s)

RANKIN, PAUL J.

Examiner

Ashok B. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Application Number 09/833, 471 was filed on 04/12/2001. Claims 1-13 are subject to examination.

Response to Arguments

2. Applicant's arguments with respect to claims 1 and 12 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bjorndahl (US 2002/0065099 A1) in view of Balog et al. (hereinafter Balog) (US 2002/0022453 A1)

Referring to claim 1,

The reference Bjorndahl teaches a communications system (Fig.4) comprising:

a plurality of user stations (Fig.4), the user stations include terminals arranged to receive information from the at least one server via a first network (Fig. 4, element 42). The reference also teaches wherein the user station further includes a portable communications device (Fig.4, element 26) coupled with said terminal and communicatively coupled via a second network (Fig. 2). The reference also teaches

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wherein the user terminal (Fig. 4, element 40) configured to perform the automatic acquisition of data for the profile database (page 4, para.[0040],

The reference fails to explicitly teach at least one server storage means, holding a profile database, the profile database containing data representing a characteristic behaviour of an associated user terminal network address or addresses, wherein the at least one server automatically acquires such data in response to an activity of the associated user and storing the same together with the associated user terminal network address or addresses in the profile database; said data being transferred to said the at least one server via said portable communications device following establishment of a connection via said second network.

The reference Balog teaches at least one server storage means, holding a profile database (page 2, para.[0022]), the profile database containing data representing a characteristic behaviour of an associated user terminal network address or addresses, wherein the at least one server automatically acquires such data in response to an activity of the associated user and storing the same together with the associated user terminal network address or addresses in the profile database (Fig. 2, page 3, para.[0032]) ; said data being transferred to said the at least one server via said portable communications device following establishment of a connection via said second network (page 3, para.[0031].

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to use the teachings of Balog to enhance the system of Bjorndahl such that it provides a system wherein associating a user with a global profile

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having the characteristics of the devices and user attributes, storing the global profile (a profile database) on the service provider; dynamically selecting an optimal communication protocol for transport of the content based on the data type and selecting at least one of the mobile devices being best suited to receive the data type. Thus, the content is routed to one of the devices in accordance with the global profile, data characteristics and prevailing network conditions as taught by Balog.

Referring to claim 2,

The reference Bjorndahl teaches wherein said portable communications device comprises a mobile telephone, said second network is a telecommunications network. (Fig.4, element 26)

Referring to claim 3,

The reference Bjorndahl teaches wherein the first network is the Internet (page 2, para.[0016]) and the user terminals comprise at least a display device coupled with processing means hosting an Internet browser and user-operable means for control of the same. (Fig. 4, element 57)

Referring to claim 4,

The reference Bjorndahl teaches wherein one or more of said terminals comprises a television receiver further configured to access and display data from the World Wide Web. (Fig. 4, element 57)

Referring to claim 5,

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The reference Bjorndahl teaches wherein the coupling between the portable communications device and the respective user terminal comprises a wireless link. (Fig.4, Center box enveloping "wireless connections")

Referring to claim 6,

The reference Bjorndahl teaches wherein data transfer via said wireless link follows a predetermined set of message transfer protocols. (page 4, para.[0043],[0044])

Referring to claims 7, 8 and 9,

Keeping in mind the teachings of the reference Bjorndahl as stated above, the reference Bjorndahl fails to teach wherein the portable communications device further comprises a buffer arranged to store data received from said the at least one server and addressed to the respective user terminal, and means for reading stored data from said buffer and sending said data on to the user terminal, and wherein a said portable communications device further comprises means configured to determine whether a respective user terminal is available to receive data from said the at least one server and, if so, to forward such data and, if not, to buffer such data until such time as either the respective user terminal becomes available or the buffer becomes full., and wherein a said portable communications device further comprises means configured to determine whether said the at least one server is available to receive data from a respective user terminal and, if so, to forward such data and, if not, to buffer such data until such time as either the server becomes available or the buffer becomes full.

The reference Balog teaches the bluetooth connectivity wherein one device serves as a master and the others serve as slaves. (page 3, para.[0031]). The

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reference also teaches "Based on user preferences defined in a user profile and the user's current location as defined by the access points 20, along with the user device 16 configuration, the content can be routed to the correct user 14, at a specified time, using the most appropriate communication protocol and path to the preferred device 16." (page 3, para.[0029]). Thereby the reference teaches the claimed elements of the invention.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to use the teachings of Balog to enhance the system of Bjorndahl such that it provides a system wherein associating a user with a global profile having the characteristics of the devices and user attributes, storing the global profile (a profile database) on the service provider; dynamically selecting an optimal communication protocol for transport of the content based on the data type and selecting at least one of the mobile devices being best suited to receive the data type. Thus, the content is routed to one of the devices in accordance with the global profile, data characteristics and prevailing network conditions as taught by Balog.

Referring to claim 10,

The reference Bjorndahl teaches apparatus as claimed in claim 1, wherein the or each said portable communications device further comprises the technical features of the respective user terminal. (Fig. 4, page 4, para.[0043],[0044])

Referring to claim 11,

The reference Bjorndahl teaches apparatus as claimed in claim 1, wherein the coupling with said user terminal is by wireless transmission therefrom, and the portable

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communications device means for receiving wireless transmissions from the terminal are further configured to receive additional data transmitted wirelessly from other sources. (Fig.1, elements 103, 107, 105)

Referring to claim 12,

Claim 12 is a claim to method that is carried out by the apparatus of claim 1. Therefore, claim 12 is rejected for the reasons set forth for claim 1.

Referring to claim 13,

The reference Bjorndahl teaches method as claimed in claim 12, wherein said portable communications device comprises a mobile telephone and stored access data for establishing connection comprises a telephone number for said mobile telephone. (Fig. 4, element 26)

Conclusion

Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

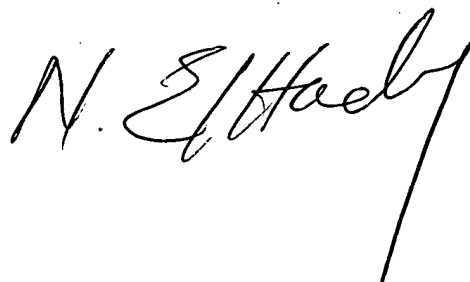
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abp

A handwritten signature in black ink, appearing to read "N. E. Hach", with a long vertical stroke extending downwards from the end of the signature.